



Adopted in House Comm. on Apr 12, 2006

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LRB094 16792 WGH 58175 a

1 AMENDMENT TO SENATE BILL 2726

2 AMENDMENT NO. _____. Amend Senate Bill 2726 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois National Guardsman's Compensation
5 Act is amended, if and only if House Bill 5251 of the 94th
6 General Assembly becomes law, by changing Section 3 as follows:

7 (20 ILCS 1825/3) (from Ch. 129, par. 403)

8 Sec. 3. If a claim therefor is made within one year of the
9 date of the death of the guardsman, compensation shall be paid
10 to the person designated by such guardsman killed while on
11 duty. The amount of compensation shall be equal to the greater
12 of (i) \$100,000 or (ii) the amount of compensation payable
13 under Section 3 of the Line of Duty Compensation Act when an
14 individual to whom that Act applies is killed in the line of
15 duty. If no beneficiary is designated or surviving at the death
16 of the guardsman killed while on duty, the compensation shall
17 be paid as follows:

18 (a) When there is a surviving spouse, the entire sum
19 shall be paid to the spouse.

20 (b) When there is no surviving spouse, but a surviving
21 descendant of the decedent, the entire sum shall be paid to
22 the decedent's descendants per stirpes.

23 (c) When there is neither a surviving spouse nor a
24 surviving descendant, the entire sum shall be paid to the

1 parents of the decedent in equal parts, allowing to the
2 surviving parent, if one is dead, the entire sum.

3 (d) When there is no surviving spouse, descendant or
4 parent of the decedent, but there are surviving brothers or
5 sisters, or descendants of a brother or sister, who were
6 receiving their principal support from the decedent at his
7 death, the entire sum shall be paid, in equal parts, to the
8 dependent brothers or sisters or dependent descendant of a
9 brother or sister. Dependency shall be determined by the
10 Court of Claims based upon the investigation and report of
11 the Attorney General.

12 When there is no beneficiary designated or surviving at the
13 death of the guardsman killed while on duty and no surviving
14 spouse, descendant, parent, dependent brother or sister, or
15 dependent descendant of a brother or sister, no compensation
16 shall be payable under this Act.

17 No part of such compensation may be paid to any other
18 person for any efforts in securing such compensation.

19 If compensation is payable under the Line of Duty
20 Compensation Act because of the death of a guardsman, the
21 provisions of that Act shall apply to the payment of that
22 compensation.

23 (Source: P.A. 93-1047, eff. 10-18-04.)

24 Section 10. The Line of Duty Compensation Act is amended,
25 if and only if House Bill 5251 of the 94th General Assembly
26 becomes law, by changing Section 3 as follows:

27 (820 ILCS 315/3) (from Ch. 48, par. 283)

28 Sec. 3. Duty death benefit.

29 (a) If a claim therefor is made within one year of the date
30 of death of a law enforcement officer, civil defense worker,
31 civil air patrol member, paramedic, fireman, chaplain, State
32 employee, or Armed Forces member killed in the line of duty,

1 compensation shall be paid to the person designated by the law
2 enforcement officer, civil defense worker, civil air patrol
3 member, paramedic, fireman, chaplain, State employee, or Armed
4 Forces member. However, if the Armed Forces member was killed
5 in the line of duty before October 18, 2004, the claim must be
6 made within one year of October 18, 2004.

7 (b) The amount of compensation, except for an Armed Forces
8 member, shall be \$10,000 if the death in the line of duty
9 occurred prior to January 1, 1974; \$20,000 if such death
10 occurred after December 31, 1973 and before July 1, 1983;
11 \$50,000 if such death occurred on or after July 1, 1983 and
12 before January 1, 1996; \$100,000 if the death occurred on or
13 after January 1, 1996 and before May 18, 2001; \$118,000 if the
14 death occurred on or after May 18, 2001 and before July 1,
15 2002; and \$259,038 if the death occurred on or after July 1,
16 2002 and before January 1, 2003. For an Armed Forces member
17 killed in the line of duty (i) at any time before January 1,
18 2005, the compensation is \$259,038 plus amounts equal to the
19 increases for 2003 and 2004 determined under subsection (c) and
20 (ii) on or after January 1, 2005, the compensation is the
21 amount determined under item (i) plus the applicable increases
22 for 2005 and thereafter determined under subsection (c).

23 (c) Except as provided in subsection (b), for deaths
24 occurring on or after January 1, 2003, the death compensation
25 rate for death in the line of duty occurring in a particular
26 calendar year shall be the death compensation rate for death
27 occurring in the previous calendar year (or in the case of
28 deaths occurring in 2003, the rate in effect on December 31,
29 2002) increased by a percentage thereof equal to the percentage
30 increase, if any, in the index known as the Consumer Price
31 Index for All Urban Consumers: U.S. city average, unadjusted,
32 for all items, as published by the United States Department of
33 Labor, Bureau of Labor Statistics, for the 12 months ending
34 with the month of June of that previous calendar year.

1 (d) If no beneficiary is designated or if no designated
2 beneficiary survives ~~or surviving~~ at the death of the law
3 enforcement officer, civil defense worker, civil air patrol
4 member, paramedic, fireman, chaplain, or State employee, ~~or~~
5 ~~Armed Forces member~~ killed in the line of duty, the
6 compensation shall be paid in accordance with a legally binding
7 will left by the law enforcement officer, civil defense worker,
8 civil air patrol member, paramedic, fireman, chaplain, or State
9 employee. If the law enforcement officer, civil defense worker,
10 civil air patrol member, paramedic, fireman, chaplain, or State
11 employee did not leave a legally binding will, the compensation
12 shall be paid as follows:

13 (1) when there is a surviving spouse, the entire sum
14 shall be paid to the spouse;

15 (2) when there is no surviving spouse, but a surviving
16 descendant of the decedent, the entire sum shall be paid to
17 the decedent's descendants per stirpes;

18 (3) when there is neither a surviving spouse nor a
19 surviving descendant, the entire sum shall be paid to the
20 parents of the decedent in equal parts, allowing to the
21 surviving parent, if one is dead, the entire sum; and

22 (4) when there is no surviving spouse, descendant or
23 parent of the decedent, but there are surviving brothers or
24 sisters, or descendants of a brother or sister, who were
25 receiving their principal support from the decedent at his
26 death, the entire sum shall be paid, in equal parts, to the
27 dependent brothers or sisters or dependent descendant of a
28 brother or sister. Dependency shall be determined by the
29 Court of Claims based upon the investigation and report of
30 the Attorney General.

31 The changes made to this subsection (d) by this amendatory Act
32 of the 94th General Assembly apply to any pending case as long
33 as compensation has not been paid to any party before the
34 effective date of this amendatory Act of the 94th General

1 Assembly.

2 (d-1) For purposes of subsection (d), in the case of a
3 person killed in the line of duty who was born out of wedlock
4 and was not an adoptive child at the time of the person's
5 death, a person shall be deemed to be a parent of the person
6 killed in the line of duty only if that person would be an
7 eligible parent, as defined in Section 2-2 of the Probate Act
8 of 1975, of the person killed in the line of duty. This
9 subsection (d-1) applies to any pending claim if compensation
10 was not paid to the claimant of the pending claim before the
11 effective date of this amendatory Act of the 94th General
12 Assembly.

13 (d-2) If no beneficiary is designated or if no designated
14 beneficiary survives at the death of the Armed Forces member
15 killed in the line of duty, the compensation shall be paid in
16 entirety according to the designation made on the most recent
17 version of the Armed Forces member's Servicemembers' Group Life
18 Insurance Election and Certificate ("SGLI").

19 If no SGLI form exists at the time of the Armed Forces
20 member's death, the compensation shall be paid in accordance
21 with a legally binding will left by the Armed Forces member.

22 If no SGLI form exists for the Armed Forces member and the
23 Armed Forces member did not leave a legally binding will, the
24 compensation shall be paid to the persons and in the priority
25 as set forth in paragraphs (1) through (4) of subsection (d) of
26 this Section.

27 This subsection (d-2) applies to any pending case as long
28 as compensation has not been paid to any party before the
29 effective date of this amendatory Act of the 94th General
30 Assembly.

31 (e) If ~~when~~ there is no beneficiary designated or if no
32 designated beneficiary survives ~~or surviving~~ at the death of
33 the law enforcement officer, civil defense worker, civil air
34 patrol member, paramedic, fireman, chaplain, State employee,

1 or Armed Forces member killed in the line of duty and there is
2 no other person or entity to whom compensation is payable under
3 this Section ~~surviving spouse, descendant, parent, dependent~~
4 ~~brother or sister, or dependent descendant of a brother or~~
5 ~~sister~~, no compensation shall be payable under this Act.

6 (f) No part of such compensation may be paid to any other
7 person for any efforts in securing such compensation.

8 (g) This amendatory Act of the 93rd General Assembly
9 applies to claims made on or after October 18, 2004 with
10 respect to an Armed Forces member killed in the line of duty.

11 (Source: P.A. 92-3, eff. 5-18-01; 92-609, eff. 7-1-02; 93-1047,
12 eff. 10-18-04; 93-1073, eff. 1-18-05; 94HB5251 enrolled.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."